

May 01 2008 13:05 Swanson Thomas Coon 503-273-9175 P.2
04/30/2008 15:21 FAX 213 887 3702 MUNGER TOLLES & OLSON 002/006
Apr 30 2008 12:47 Swanson Thomas Coon 503-273-9175 P.2

JAMES S. COON
(Oregon State Bar No. 77145)
jcoon@stc-law.com
SWANSON THOMAS & COON
820 S.W. Second Avenue, Ste. 200
Portland, OR 97204
Tel: (503) 228-5222
Fax: (503) 273-9175

Attorneys for Plaintiff Jeffrey Poole
[Additional Attorneys follow signature page]

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JEFFREY POOLE, WINSOME P.
CARTER, JAMES C. HOWELL,
JEFFREY KEMP, ANDREA
LOUGHLIN, HENRY V. M.
MULTALA, ANTHONY PALUMBO,
MARY O'REILLY, BURKHARD
SPRING, DAVID BACHRACH, PETER
R. GARRISON, ROBERT TRAITZ,
EDWARD FRANCE, EDWARD C.
REINHART, MICHAEL WENDLING
and RICHARD J. TESTA, JR., on behalf
of themselves, the general public, and all
others similarly situated,

Plaintiffs,

vs.

MERRILL LYNCH, PIERCE, FENNER
& SMITH INCORPORATED,

Defendant.

CASE NO. CV 06-1657 HA

JOINT MOTION TO ALLOW
FILING OF AMENDED
COMPLAINT FOR:

1. RECOVERY OF OVERTIME PAY UNDER
THE FAIR LABOR STANDARDS ACT (29
U.S.C. §§ 201, *et seq.*)
2. RECOVERY OF OVERTIME PAY
UNDER THE LABOR LAWS OF THE
STATES OF THE UNITED STATES
3. RECOVERY OF ILLEGAL WAGE
DEDUCTIONS UNDER THE LABOR LAWS
OF THE STATES OF THE UNITED STATES

Jury Trial Demanded

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The parties to this action hereby jointly move, pursuant to their negotiations and to facilitate the settlement of this matter, that the filing of the attached First Amended Complaint be allowed.

Dated: April 30, 2008

SWANSON THOMAS & COON

By /s/James S. Coon

JAMES S. COON

Attorneys for Plaintiff Jeffrey Poole and, as authorized, as Attorneys for all Plaintiffs

Dated: May 2, 2008

LITTLER MENDELSON, P.C.

By: Leigh Ann Collings Tift

Leigh Ann Collings Tift

Oregon State Bar No. 05473

One Union Square

600 University Street, Ste. 3200

Seattle, WA 98101-3122

Telephone: (206) 381-4905

Facsimile: (206) 447-6965

Attorneys for Defendant (Local Counsel)

Dated: April 30 2008

MUNGER, TOLLES & AL

By: Terry Edward Sanchez

Terry Edward Sanchez

California State Bar No.: 101318

355 South Grand Ave.

Los Angeles, CA 90017

Telephone: (213) 683-9100

Facsimile (213) 683-5179

Attorneys for Defendant

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Additional Attorneys for the Plaintiffs:¹

JAMES F. CLAPP
jclapp@sdlaw.com
**DOSTART, CLAPP, GORDON &
COVENEY, LLP**
4370 La Jolla Village Drive
Suite 970
San Diego, CA 92122
Tel: (858) 623-4200
Fax: (858) 623-4299
Attorneys for Plaintiffs Edward C.
Reinhart and Jeffrey Poole

KENNETH LEHN
klehn@winnebanta.com
EDWARD P. D'ALESSIO
edalessio@winnebanta.com
**WINNE, BANTA, HETHERINGTON,
BASRALIAN & KAHN, P.C.**
Court Plaza South
21 Main Street
P.O. Box 647
Hackensack, New Jersey 07601
Tel: (201) 487-3800
Fax: (201) 487-8529
Attorneys for Plaintiffs Winsome P.
Carter, James C. Howell, Jeffrey Kemp,
Andrea Loughlin, Henry V. M. Multala,
Burkhard Spring and Robert Traitz

NORMAN SHABEL
nshabel@shabeldenittis.com
STEPHEN P. DENITTIS
sdenittis@shabeldenittis.com
SHABEL & DENITTIS, P.C.
5 Greentree Centre, Suite 302
Marlton, New Jersey 08053
Tel: (856) 797-9951
Fax: (856) 797-9978
Attorneys for Plaintiff Edward France

JEFFREY G. SMITH
smith@whafh.com
ROBERT ABRAMS
abrams@whafh.com
**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ, LLP**
270 Madison Avenue
New York, NY 10016
Tel: (212) 545-4600
Fax: (212) 545-4653
Attorneys for Plaintiffs Anthony
Palumbo, Mary O'Reilly and Peter R.
Garrison

¹ The additional attorneys for plaintiffs will, if required by the Local Rules of Civil Practice, or otherwise, seek special admission to practice before this court.

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Additional Attorneys for the Plaintiffs:**JERRY K. CIMMET**

cimmet@att.net

Attorney at Law

177 Bovei Road, Suite 600

San Mateo, CA 94402

Tel: (650) 866-4700

Fax: (650) 866-4770

Attorney for Plaintiffs Winsome P.

Carter, James C. Howell, Jeffrey Kemp,

Andrea Loughlin, Henry V. M. Multala,

Burkhard Spring and Robert Traitz

RICHARD GLICKMAN

rglickmanlawcorp@yahoo.com

One Maritime Plaza

Suite 1600

San Francisco, CA 94111

Tel: (415) 362-7685

Fax: (415) 781-1034

Attorney for Plaintiffs Anthony

Palumbo and Peter R. Garrison

H. TIM HOFFMAN

hth@hoffmanandlazeear.com

ARTHUR W. LAZEAR

awl@hoffmanandlazeear.com

HOFFMAN & LAZEAR

180 Grand Avenue, Suite 1550

Oakland, CA 94612

Tel: (510) 763-5700

Fax: (510) 835-1311

Attorneys for Plaintiff Jeffrey Poole

PHILIP STEPHEN FUOCO

pfuoco@msn.com

JOSEPH OSEFCHEN

josefchen@msn.com

LAW FIRM OF

PHILIP STEPHEN FUOCO

24 Wilkins Place

Haddonfield, New Jersey 08033

Tel: (856) 354-1100

Attorneys for Plaintiff Edward France

LEON GREENBERG

wagelaw@hotmail.com

Attorney at Law

633 South 4th Street - Suite 9

Las Vegas, Nevada 89101

Tel: (702) 383-6085

Fax: (702) 385-1827

Attorney for Plaintiff David Bachrach

JOHN M. KELSON

kelsonlaw@sbcglobal.net

LAW OFFICE OF JOHN M. KELSON

1999 Harrison Street, Suite 700

Oakland, CA 94612

Tel: (510) 465-1326

Fax: (510) 465-0871

Attorney for Plaintiffs Winsome P.

Carter, James C. Howell, Jeffrey Kemp,

Andrea Loughlin, Henry V. M. Multala,

Burkhard Spring and Robert Traitz

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Additional Attorneys for the Plaintiffs:

MARK THIERNAN
laborlawyer@pacbell.net
THIERMAN LAW FIRM
7287 Lakeside Drive
Reno, NV 89571
Tel: (775) 284-1500
Fax: (775) 703-5027
Attorneys for Plaintiff David Bachrach

MICHAEL P. LYNN, P.C.
mlynn@lynnllp.com
CODY L. TOWNS
ctowns@lynnllp.com
LYNN TILLOTSON & PINKER, LLP
750 N. St. Paul Street, Suite 1400
Dallas, Texas 75201
Tel: (214) 981-3800
Fax: (214) 981-3839
Attorneys for Plaintiff Michael Wendling

CHRISTOPHER J. GRAY
gray@cjgraylaw.com
LAW OFFICES OF
CHRISTOPHER J. GRAY, P.C.
460 Park Avenue, 21st Floor
New York, New York 10022
Tel: (212) 838-3221
Fax: (212) 508-3695
Attorneys for Plaintiff Michael Wendling

LOUIS F. BURKE
lburke@lfbllaw.com
LOUIS F. BURKE, P.C.
460 Park Avenue, 21st Floor
New York, New York 10022
Tel: (212) 682-1700
Fax: (212) 808-4280
Attorney for Plaintiff Michael Wendling

JOHN HALEBIAN
jhalebian@lshllp.com
LOVELL STEWART &
HALEBIAN, LLP
500 Fifth Avenue, 58th Floor
New York, NY 10110
Tel: (212) 608-1900
Fax: (212) 719-4677
Attorneys for Plaintiffs Jeffrey Kemp,
Andrea Loughlin, James C. Howell,
Robert Traitz, Burkhard Spring, Henry
V. M. Multala, Winsome P. Carter and
Richard J. Testa, Jr.